

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 608

December 19, 1995, 5:54 p.m.
Page S-18835 Temp. Record

DEFENSE AUTHORIZATION CONFERENCE/Passage

SUBJECT: Conference report to accompany the National Defense Authorization Act for fiscal year 1996 . . . H.R. 1530. Agreeing to the conference report.

ACTION: CONFERENCE REPORT AGREED TO, 51-43

SYNOPSIS: The conference report to accompany H.R. 1530, the National Defense Authorization Act for fiscal year 1996, will authorize \$264.7 billion in total budget authority for the Department of Defense, national security programs of the Department of Energy, civil defense, and military construction accounts. This amount is \$7 billion more than requested. Details are provided below.

Procurement authorizations include the following:

- \$2.4 billion for eight C-17 aircraft;
- \$700 million for the SSN-23 Seawolf submarine (see vote No. 356 for related debate: total funding for the three Seawolf submarines will be capped at \$7.224 billion);
- \$804.5 million for the New Attack Submarine Program;
- \$583.8 million for M1A2 tank upgrades;
- \$2.2 billion for three DDG-51 destroyers (the authorization will fully fund only 2 of the 3 ships);
- \$1.3 billion for the LHD-7 amphibious ship;
- \$777 million for specific equipment purchases for the National Guard and Reserves (see vote No. 366 for related debate);
- \$772.9 million for the B-2 bomber program (\$493 million more than requested; that \$493 million will be fenced until March 31 and will be conditioned on its use to procure components, upgrades, or modifications that will be of use to the existing fleet of B-2s); additionally, the current bar on advance procurement for new B-2 aircraft will be repealed; and
- \$906.9 million for 18 F/A-18C/D Hornet fighters.

Research, development, test, and evaluation:

- \$3.517 billion for the Ballistic Missile Defense Organization (BMDO), including: \$299.4 million for the Navy Lower Tier

(See other side)

YEAS (51)			NAYS (43)			NOT VOTING (4)	
Republicans (47 or 96%)		Democrats (4 or 9%)	Republicans (2 or 4%)	Democrats (41 or 91%)		Republicans (3)	Democrats (1)
Abraham	Helms	Heflin	Hatfield	Akaka	Inouye	Bond ⁻²	Boxer ⁻²
Ashcroft	Hutchison	Hollings	McCain	Baucus	Johnston	Gramm ^{-2PY}	
Bennett	Inhofe	Lieberman		Biden	Kennedy	Roth ⁻²	
Brown	Kassebaum	Robb		Bingaman	Kerry		
Burns	Kempthorne			Bradley	Kerry		
Campbell	Kyl			Breaux	Kohl		
Chafee	Lott			Bryan	Lautenberg		
Coats	Lugar			Bumpers	Leahy		
Cochran	Mack			Byrd	Levin		
Cohen	McConnell			Conrad	Mikulski		
Coverdell	Murkowski			Daschle	Moseley-Braun		
Craig	Nickles			Dodd	Moynihan		
D'Amato	Pressler			Dorgan	Murray		
DeWine	Santorum			Exon	Nunn		
Dole	Shelby			Feingold	Pell		
Domenici	Simpson			Feinstein	Pryor		
Faircloth	Smith			Ford	Reid		
Frist	Snowe			Glenn	Rockefeller		
Gorton	Specter			Graham	Sarbanes		
Grams	Stevens			Harkin	Simon		
Grassley	Thomas				Wellstone		
Gregg	Thompson						
Hatch	Thurmond						
	Warner						

LIVE PAIRS(1):
PRESENT AND
GIVING: RECEIVING:
Jeffords (PN) Gramm (PY)

EXPLANATION OF ABSENCE:
1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:
AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

system; \$589.9 million for the THAAD (Theater High Altitude Aerial Defense) system; \$50 million for the space-based laser program; \$20.4 million for the Marine Corps SAM; and increases for cruise missile defense programs totalling \$85 million; BMDO funding is contained in a section entitled the Missile Defense Act of 1995; this section of the bill will change the focus of BMDO activities to provide for the deployment by 2003 of a national missile defense system against limited ballistic missile attacks, plus it will provide for deployment by specific dates of various tactical missile defense systems; the Missile Defense Act will also express the sense of Congress on the appropriate demarcation point between tactical and strategic ballistic missiles, and will prohibit funding to implement an international agreement on a more stringent point unless approved by legislation or agreed to under the President's treaty-making authority (see vote Nos. 350-351 and 398; for related debate, see vote Nos. 354-355 and 358;

- \$195 million for the Defense Dual-Use Technology Program (formerly the Technology Reinvestment Program);
- \$2.1 billion for the F-22 program;
- \$757.5 million for the V-22 Osprey tilt-rotor aircraft; and
- \$299 million for the Comanche helicopter.

Recommended active duty end strength: 1,485,540 (a decrease of 40,152 from FY 1995, and 340 more than requested), as follows: Army, 495,000; Navy, 428,340; Air Force, 388,200; and Marine Corps, 174,000.

Selected reserve end strengths: Army National Guard, 373,000; Army Reserve, 230,000; Air National Guard, 112,707; Naval Reserve, 98,894; Air Force Reserve, 73,969; and Marine Corps Reserve, 42,274.

Key miscellaneous provisions include the following:

- a 2.4 percent pay raise for military members and a 5.2 percent increase in basic allowance for quarters will be authorized, effective January 1, 1996;
- \$300 million will be authorized for the Cooperative Threat Reduction Program (also known as the Nunn-Lugar Program);
- a Defense Modernization Account will be created which will allow the Defense Department to retain for modernization efforts any savings it may achieve from procurement and building operation accounts;
- the use of defense funds to assist terrorist nations will be prohibited (this provision is in response to President Clinton's use of Defense Emergency and Extraordinary funds to pay for the purchase and shipment of heavy oil to North Korea as part of a multi-billion assistance program intended to stop that country's nuclear weapons program);
- a self-financing export loan guarantee program will be created for defense sales by United States companies to a select group of allies (see vote No. 357 for related debate);
- it is the sense of the Congress: that the President should consult closely with Congress regarding any United Nations peace operations that could involve U.S. combat forces; that the United States should only participate in such operations when it is clearly in the national security interest to do so; that U.S. combat forces should be under the operational control of qualified commanders, should have clear and effective command and control and rules of engagement, and clear and unambiguous mission statements; and that U.S. forces should not be placed under the operational control of foreign commanders in peace enforcement missions except in the most extraordinary of circumstances;
- Defense Department funds will not be used to place U.S. combat forces under United Nations operational or tactical control, unless: specifically authorized by law; or the President provides Congress certification that such control is in the national security interests (that certification would be accompanied by a report containing certain required information, including the specific goals, estimated length, and exit strategy);
- no funds may be obligated or expended during FY 1996 to retire or dismantle, or to prepare to retire or dismantle, any of the following strategic nuclear delivery systems: B-52 bombers, Trident submarines; Minuteman III intercontinental ballistic missiles; or Peacekeeper intercontinental ballistic missiles; it is the sense of Congress that no steps should be taken to dismantle those systems unless and until the Start II treaty enters into force;
- approximately \$11 billion will be authorized for military construction accounts, including \$3.9 billion for FY 1996 for the Base Realignment and Closure (BRAC) program; additionally, closed facilities may be leased prior to taking any required environmental remediation actions;
- \$10.6 billion will be authorized for Department of Energy National Security Programs; initiatives include a \$30 million authorization to begin preparations for hydronuclear experiments (see vote No. 359-360 for related debate) though no authorization will be given for actually conducting such tests;
- it is the sense of Congress that the Start II Treaty and the Chemical Weapons Convention should be promptly ratified and implemented by the United States, Russia, and other involved parties;
- abortions will not be performed at military facilities overseas (exceptions will be made for pregnancies that threaten the life of the mother or that resulted from rape or incest);
- service members who test positive for HIV will be discharged;
- the requirement for an Independent Director of Operational Test and Evaluation will be repealed; and
- the petroleum reserve at Elk Hills will be sold in 1 year if the Administration determines that disposition of the reserve will yield the highest return to the American taxpayers.

DECEMBER 19, 1995

VOTE NO. 608

Those favoring passage contended:

This conference report will stem the steady decline in the defense budget that has been going on since 1985. Our defense budget is now at its lowest level as a percentage of gross domestic product since 1940. The report will not authorize an increase in spending, nor will it even hold the line; all it will do is slow the rate of cuts in real terms that President Clinton wants to impose. We have gone through the numbers for our colleagues before on the decline in procurement, research and development, operations and maintenance, and training funding, yet still they complain that we have not let them cut as much from national defense as they desire. Throughout its history, America has disarmed after a war and has been caught unprepared to fight when conflicts have again broken out. America has been steadily disarming for a decade. This bill will finally stem that decline, and hopefully will signal its end. If not, the next war will again catch it unprepared.

Substantively this conference report has few differences from the Senate-passed bill. Most of the funding levels and priorities have not changed. On a few issues the Senate has acceded to the House position, and on other issues changes have been made in both bills to accommodate the concerns of the Administration, but for the most part any Senator who voted for the Senate bill in September should be comfortable voting for this bill. Key elements of the report include the following: it will authorize a 2.4 percent payraise and a 5.2 percent increase in the quarters allowance; it will authorize a \$7 billion increase in the requested amount for procurement and research; and it will provide for the deployment of a national missile defense system within the next 8 years.

Unfortunately, the Administration has issued a veto threat due mainly to its objections to the provisions on deploying a national missile defense system. This threat caught us by surprise. Conferees worked with the Administration to resolve its concerns, most of which in our opinion were not legitimate, on the Anti-Ballistic Missile (ABM) Treaty and on the President's prerogatives in the area of arms control negotiations. First, on theater missile defenses, the conference report demarcation language is nearly identical to the Senate-passed language, and the Administration assured conferees that it was acceptable. Second, conferees agreed to Administration requests to remove the requirement that the national defense system have multiple sites. We had a tremendous amount of debate in the Senate this year on whether a multiple-site system would be developed, and the result was that the Senate favored such a system. Now all that is required is that a system be deployed within 8 years. The ABM Treaty allows a country to have a national missile defense system, as long as it is at one site. Thus, this language cannot be termed an "anticipatory" breach of the treaty. To further illustrate how much this Republican Congress caved on this issue to please the President, we remind our colleagues that in 1991 a Congress controlled by Democrats passed the Missile Defense Act, which called for deployment of a national missile defense system within 5 years. Still, this President cannot even bring himself to approve building a defense system in 8 years that a Democratic Congress in 1991 said should be built in 5. Our belief is that negotiations on this issue with the Administration were and are pointless; though we were led to believe that by compromising the Administration would approve the bill, the truth is that no amount of compromise will win President Clinton's support, because he is flatly opposed to building a national ballistic missile defense system.

Negotiations with the Clinton Administration on other matters were equally pointless. For example, conferees worked with the Administration on finding a compromise position on the Technology Reinvestment Program. An agreement was reached that Under Secretary Paul Kaminski assured conferees the President would support. However, much to our surprise and offense, when the President submitted his veto threat one of the reasons he gave was that compromise language. At times, it seems as though the Clinton Administration is utterly incapable of bargaining in good faith.

Our colleagues have raised a slew of weak objections to this conference report. For example, they have spent a great deal of time complaining about a sale of the Elk Hill petroleum reserve. This issue is ridiculous--Republicans met Democratic concerns by specifying that the sale would only go forward if the Administration determined that it was the alternative that would result in the highest return for the American taxpayer. Other Senators have falsely complained that the Senate went along with the House desire to build more B-2 bombers. No such agreement was reached--the Senate agreed to the purchase of B-2 items that may be used for the existing fleet of bombers, or, if new bombers are ever made, for those new bombers. It by no means agreed to build new B-2s.

A procedural objection that has been raised by some Democratic Senators is that they think their views were not solicited in the conference. To an extent some Members have reason to complain, but overall this conference was not that different than defense conferences of prior years. The main reason why there were fewer meetings is that there were many large areas of strong disagreement between the two bodies. As usual, the most contentious issues tended to be solved by the big four (the Chairman and ranking Members of the authorizing committees).

This procedural objection would carry more weight with us if the conference report had resulted in a bill that was more hostile to positions favored by Democrats. Instead, largely to meet the concerns of the Administration, it resulted in a bill that is more favorable to their positions. Therefore, we do not think the President's veto threat is warranted, and we do not think our Democratic colleagues who favored passage of the Senate-passed bill should switch their votes now. We urge them to join us in passing this conference report.

Those opposing passage contended:

In the past, when we had a Republican President and a Democratic Congress, the House routinely passed defense authorization bills that were unacceptable to the President while the Senate routinely passed acceptable bills. When defense authorization bill conferees generally followed the Senate bill, it was signed into law; when they followed the House bill, it was not. Now, with a Democratic President and a Republican Congress, we have the same situation. The Senate-passed bill would be acceptable to the President, and the House-passed bill would not be. Instead of crafting a conference report that follows the Senate bill, conferees crafted a report that more closely resembles the House bill. The President will veto this report. We are disappointed at this result, because, despite its many faults, this report has many initiatives we strongly support. Key among those initiatives are that it will provide a 2.4 percent payraise and a 5.2 percent increase in the basic allowance for quarters. Without this bill, only a 2-percent raise and a 2-percent increase in the basic allowance will be given. Another key initiative that is in this bill is the creation of the defense modernization account, which will encourage efficiencies by allowing the Defense Department to use savings for new procurement.

Unfortunately, we must concur in the President's assessment that this conference report is unacceptable. First and foremost, we do not agree with the language on a national missile defense. The language in this conference report sets an 8-year timeframe for deploying a national missile defense system. The Senate bill authorized the development for deployment; this report authorizes the deployment. At this critical juncture in history, when we are trying to convince the former Soviet Union to dismantle its nuclear arsenal, it does not make any sense to pursue this destabilizing, Star Wars fantasy.

Our next main objection is that the conference report has unnecessary earmarking. The Senate-passed bill increased procurement by mandating certain ship purchases over a shorter timeframe in order to achieve economies of scale. The conference report added to this strategy totally unnecessary and extraneous requirements that specified at exactly which shipyards certain vessels had to be built. By avoiding competition, these earmarks will almost certainly increase costs to the taxpayers. Other earmarks that are in this bill that we object to are the earmarks for Guard and Reserve equipment. Admittedly, the Senate voted for earmarks for this equipment, but at least the Senate set aside some funds in a miscellaneous account so the Defense Department would have some discretion in allocating funds. The conference report does not leave one thin dime in the miscellaneous account.

Other sections of this conference report which are objectionable to some of us who oppose this conference report include: increased funding for the B-2 bomber, which may end up being used to keep the production line open; a permanent restriction on abortions at overseas military facilities; a requirement that HIV-positive service members be discharged; and restrictions on President Clinton's authority to place U.S. forces under United Nations' command and control. These last three items are very objectionable to the Administration, and are part of the basis for the threatened veto.

We hope and trust President Clinton will veto this bill. We will then work with our colleagues on passing key items from it, such as the military payraise. As crafted, though, this conference report has too many flaws for us to accept it.